

Remarks

Claims 1-14 are pending in the application, with claims 1 and 14 being the independent claims. Claims 1-8 and 10-14 have been amended to more clearly define the invention. Support for the amendatory language is found throughout the application. Terms such as "in real time" find implied support in the specification and reflect the nature of a broadcast of a racing event.

An IDS listing U.S. Patent No. 6,578,203 (Anderson Patent) was filed subsequent to the filing a Notice of Appeal. The Anderson Patent was discovered during the preparation of an Appeal Brief. The Anderson Patent on its face does not represent a bar to the issuance of a patent based on this application. Should the Examiner deem the Patent to be relevant and a reference against the claims. Applicants reserve the right to file the appropriate papers to antedate the Anderson Patent. A phone call was made to the Examiner and his Supervisor requesting that prosecution be reopened so that the Anderson Patent could be thoughtfully considered. In light of the prolonged prosecution evidenced in this application, the request was thought to be reasonable since it would avoid the need for an unnecessary appeal of the rejection as set forth in the Final Rejection.

Reconsideration and entry of the amendment is respectfully requested as is the withdrawal of the finality of the last rejection.

Rejections under 35 U.S.C. § 103

Claims 1, 4-6, 10 and 12-14 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 5,600,368 to Matthews ("Matthews") in view of a NASCAR video game manual from Papyrus Design Group ("Papyrus").

The claimed invention resides in part in the broadcast of a racing event from the perspective of an individual race participant. The broadcast is over the Internet or a pay for view broadcast network or similar system where the viewer can individually select the desired participant's view of the race. If desired, the viewer can in addition view a broadcast channels telecast of the racing event along with the selection of one or more race participant's view of the race. The display of this multi-

image real-time event would be on a split television or monitor screen. The viewers are not necessarily in a stadium but can be at any venue associated with the Internet or that has access to cable or satellite broadcast.

The applied references, individually or in combination, are not directed to a broadcast of a racing event where the viewer selects a view of an ongoing race from the selected the racer's vantage point which varies over the time of the race in terms of the racer's current position in the race. The broadcast is direct and provides a real image, not a synthesized one. The reference does not recognize the concept present with the claimed invention. The applied references merely reflect technologies existing at the time. Their combination, even if proper, would not arrive at the invention as now claimed.

Matthews teaches interactive viewer control of camera viewpoints placed in multiple positions in a sporting contest. All of the cameras are aimed at a player position or field area. The viewer must constantly switch camera position channels in order to follow a contest. (see Matthews, col. 4, lines 50-62). Matthews also discloses a directional keypad on a remote control handset which the viewer uses for switching between the different camera viewpoints. This is not a real time broadcast from the constantly changing position of an individual racer.

The secondary reference, Papyrus, does not remedy the situation. It is not directed to the field of sportscast broadcasting. It is an "arcade game" manual. It does mention the use of "film clips" obtained from previous racing events but this is certainly not a real time broadcast of an ongoing race. This also is not a cable or Internet broadcast. The "ins and outs" operation of NASCAR 95 is important to the average gamer but that is not relevant to the broadcaster. At issue here is not a race car simulator but rather a broadcast of an ongoing sporting event over a cable network or internet where the individual viewer is able to view a car race from the vantage point of a racer where the racer's position can change during the race. The existence of switches, leads, cameras and racing cars, etc are not at issue here but rather a broadcast concept which may make use of existing

technology to provide the viewing public with a new benefit. This broadcast concept is not suggested by the references, individually or together.

It is noted that a Panel of the Board of Patent Appeals and Interferences has previously considered rejections similar in rationale to that proposed here and found it lacking. The Panel requested that the Examiner find better evidentiary support. A car race gaming manual is probably not what the Panel had in mind.

Withdrawal of the rejection is respectfully requested.

Claims 2, 3, 7-9 and 11 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Matthews in view of the Papyrus and U.S. Patent No. 5,894,320 to Vancelette ("Vancelette").

The deficiencies of the Matthews-Papyrus combination are discussed above. It is not seen how the inclusion of Vancelette enhances the combination in terms of the enumerated deficiencies. Vancelette does not teach or suggest a camera positioning which permits the broadcast of a race participant's view of an ongoing race where the racer's position changes or can change. Vancelette does not teach the individual viewer's selection of a video camera positioned on a race participant so that a participating racer's view of the ongoing race can be seen.

Withdrawal of the rejection is respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Appl. No. 09/452,952
Amendment dated November 22, 2004
Reply to Office Action of April 22, 2004

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

A Notice of Allowance with claims 1-14 is respectfully requested.

Respectfully submitted,



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